

House Amendment 1185

PAG LIN

1 1 Amend House File 746 as follows:
1 2 #1. Page 2, by inserting after line 16 the
1 3 following:
1 4 <Sec. _____. Section 704.1, Code 2009, is amended to
1 5 read as follows:
1 6 704.1 REASONABLE FORCE.
1 7 "Reasonable force" is that force and no more which
1 8 a reasonable person, in like circumstances, would
1 9 judge to be necessary to prevent an injury or loss and
1 10 can include deadly force if it is reasonable to
1 11 believe that such force is necessary to avoid injury
1 12 or risk to one's life or safety or the life or safety
1 13 of another, or it is reasonable to believe that such
1 14 force is necessary to resist a like force or threat.
1 15 Reasonable force, including deadly force, may be used
1 16 ~~even if an alternative course of action is available~~
~~1 17 if the alternative entails a risk to life or safety,~~
~~1 18 or the life or safety of a third party, or requires~~
~~1 19 one to abandon or retreat from one's dwelling or place~~
~~1 20 of business or employment, and a person has no duty to~~
~~1 21 retreat, and has the right to stand the person's~~
~~1 22 ground, and meet force with force, if the person~~
~~1 23 believes reasonable force, including deadly force, is~~
~~1 24 necessary under the circumstances to prevent death or~~
~~1 25 serious injury to oneself or a third party, or to~~
~~1 26 prevent the commission of a forcible felony.~~
1 27 Sec. _____. NEW SECTION. 704.4A IMMUNITY.
1 28 1. A person who uses reasonable force shall be
1 29 immune from any criminal prosecution or civil action
1 30 for using such force, unless the person against whom
1 31 such force is used is a peace officer acting within
1 32 the scope of the officer's duties and the peace
1 33 officer identifies the officer's identity, or the
1 34 person knew or reasonably should have known the person
1 35 is a peace officer.
1 36 2. A law enforcement agency may use standard
1 37 investigating procedures for investigating the use of
1 38 force, but the law enforcement agency shall not arrest
1 39 a person for using force unless it determines there is
1 40 probable cause that the force was unlawful under this
1 41 chapter.
1 42 3. If a person is arrested and it is later
1 43 determined by a court or jury that the person was
1 44 justified in using reasonable force under the
1 45 circumstances, the person shall be awarded reasonable
1 46 attorney fees, court costs, compensation for loss of
1 47 any income, and reimbursement of any other expenses
1 48 incurred as a result of being arrested and charged.>
1 49 #2. Title page, by striking lines 1 and 2 and
1 50 inserting the following: <An Act relating to the
2 1 carrying of weapons and the use of reasonable force
2 2 and providing an effective date.>
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2 5
2 6 SORENSEN of Warren
2 7 HF 746.701 83
2 8 rh/rj/22088